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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Haas) Art Unit: 2175
Serial No.: 09/658,303))
Filed: September 8, 2000) Examiner: Mahmoudi
For: SYSTEM AND METHOD FOR SCHEMA MAPPING)) ARC9-2000-0125-US1
)) October 28, 2004
)) 750 B STREET, Suite 3120
)) San Diego, CA 92101
))

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

In response to the Office Action dated September 30, 2004, the enclosed substitute Rule 132 declaration is submitted, swearing behind the provisional filing date of Ripley. In the Office Action, the examiner refuses to permit the swear behind but ignores one of two reasons why the present invention should be accorded an earlier date than Ripley. Specifically, the Declaration alleges not just that an actual reduction to practice occurred before the provisional filing date of Ripley, but in the alternative that a prior conception occurred, coupled with diligence in filing the present application, a point fatally ignored in the Office Action. Note that evidence for the allegation of diligence is evidentiary testimony based on first hand knowledge, rendered under penalty of perjury, while written contemporaneous evidence for conception has already been made of record. Absent the introduction of actual evidence to the contrary, conception and diligence must be accepted.

1053-109.AM2